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HOUSE BILL 1344

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State of Washington

57th Legislature

2001 Regular Session

By Representatives Dickerson, Tokuda, Ballasiotes, Kagi and Kenney

Read first time 01/24/2001. Referred to Committee on Children & Family Services.

1 AN ACT Relating to the definition of negligent treatment or  
2 maltreatment; and amending RCW 26.44.020.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 26.44.020 and 2000 c 162 s 19 are each amended to read  
5 as follows:

6 The definitions in this section apply throughout this chapter  
7 unless the context clearly requires otherwise.

8 (1) "Court" means the superior court of the state of  
9 Washington, juvenile department.

10 (2) "Law enforcement agency" means the police department, the  
11 prosecuting attorney, the state patrol, the director of public  
12 safety, or the office of the sheriff.

13 (3) "Practitioner of the healing arts" or "practitioner" means  
14 a person licensed by this state to practice podiatric medicine and  
15 surgery, optometry, chiropractic, nursing, dentistry, osteopathic  
16 medicine and surgery, or medicine and surgery or to provide other  
17 health services. The term "practitioner" includes a duly accredited  
18 Christian Science practitioner: PROVIDED, HOWEVER, That a person

1 who is being furnished Christian Science treatment by a duly  
2 accredited Christian Science practitioner will not be considered,  
3 for that reason alone, a neglected person for the purposes of this  
4 chapter.

5 (4) "Institution" means a private or public hospital or any  
6 other facility providing medical diagnosis, treatment or care.

7 (5) "Department" means the state department of social and  
8 health services.

9 (6) "Child" or "children" means any person under the age of  
10 eighteen years of age.

11 (7) "Professional school personnel" include, but are not  
12 limited to, teachers, counselors, administrators, child care  
13 facility personnel, and school nurses.

14 (8) "Social service counselor" means anyone engaged in a  
15 professional capacity during the regular course of employment in  
16 encouraging or promoting the health, welfare, support or education  
17 of children, or providing social services to adults or families,  
18 including mental health, drug and alcohol treatment, and domestic  
19 violence programs, whether in an individual capacity, or as an  
20 employee or agent of any public or private organization or  
21 institution.

22 (9) "Psychologist" means any person licensed to practice  
23 psychology under chapter 18.83 RCW, whether acting in an  
24 individual capacity or as an employee or agent of any public or  
25 private organization or institution.

26 (10) "Pharmacist" means any registered pharmacist under chapter  
27 18.64 RCW, whether acting in an individual capacity or as an  
28 employee or agent of any public or private organization or  
29 institution.

30 (11) "Clergy" means any regularly licensed or ordained  
31 minister, priest, or rabbi of any church or religious  
32 denomination, whether acting in an individual capacity or as an  
33 employee or agent of any public or private organization or  
34 institution.

35 (12) "Abuse or neglect" means the injury, sexual abuse, sexual  
36 exploitation, negligent treatment, or maltreatment of a child by  
37 any person under circumstances which indicate that the child's

1 health, welfare, and safety is harmed, excluding conduct permitted  
2 under RCW 9A.16.100. An abused child is a child who has been  
3 subjected to child abuse or neglect as defined in this section.

4 (13) "Child protective services section" means the child  
5 protective services section of the department.

6 (14) "Sexual exploitation" includes: (a) Allowing, permitting,  
7 or encouraging a child to engage in prostitution by any person; or  
8 (b) allowing, permitting, encouraging, or engaging in the obscene  
9 or pornographic photographing, filming, or depicting of a child by  
10 any person.

11 (15) "Negligent treatment or maltreatment" means (~~(an act or~~  
12 ~~omission that evidences a serious disregard of consequences of~~  
13 ~~such magnitude as to constitute a clear and present danger to the~~  
14 ~~child's health, welfare, and safety. The fact that siblings share a~~  
15 ~~bedroom is not, in and of itself, negligent treatment or~~  
16 ~~maltreatment)) the failure of a parent or guardian, or other  
17 person having custody and control of a child, to exercise a  
18 minimum degree of care in supplying the child with adequate food,  
19 clothing, shelter, medical treatment, or supervision, though  
20 financially able to do so or though offered financial or other  
21 reasonable means to do so, which results in a child whose  
22 physical, mental, or emotional condition has been impaired or is  
23 in imminent danger of becoming impaired.~~

24 (16) "Child protective services" means those services provided  
25 by the department designed to protect children from child abuse  
26 and neglect and safeguard such children from future abuse and  
27 neglect, and conduct investigations of child abuse and neglect  
28 reports. Investigations may be conducted regardless of the location  
29 of the alleged abuse or neglect. Child protective services includes  
30 referral to services to ameliorate conditions that endanger the  
31 welfare of children, the coordination of necessary programs and  
32 services relevant to the prevention, intervention, and treatment  
33 of child abuse and neglect, and services to children to ensure  
34 that each child has a permanent home. In determining whether  
35 protective services should be provided, the department shall not  
36 decline to provide such services solely because of the child's  
37 unwillingness or developmental inability to describe the nature  
38 and severity of the abuse or neglect.

1       (17) "Malice" or "maliciously" means an evil intent, wish, or  
2 design to vex, annoy, or injure another person. Such malice may be  
3 inferred from an act done in willful disregard of the rights of  
4 another, or an act wrongfully done without just cause or excuse,  
5 or an act or omission of duty betraying a willful disregard of  
6 social duty.

7       (18) "Sexually aggressive youth" means a child who is defined  
8 in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

9       (19) "Unfounded" means available information indicates that,  
10 more likely than not, child abuse or neglect did not occur. No  
11 unfounded allegation of child abuse or neglect may be disclosed to  
12 a child-placing agency, private adoption agency, or any other  
13 provider licensed under chapter 74.15 RCW.

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